

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
:	
AU NEW HAVEN, LLC, <i>et al.</i> ,	:
	:
	Plaintiffs, :
	1:15-cv-3411-GHW
	:
-v-	:
	Defendants. :
	:
	X
GREGORY H. WOODS, United States District Judge:	

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/19/2023

This order concerns two subjects. First, the Court has received Defendants' notification that it intends to file *Daubert* motions challenging the admissibility of Plaintiffs' experts' opinions at trial. Dkt. No. 966. Though Plaintiffs' date to inform the Court whether they too intend to file analogous *Daubert* motions has not yet arrived, the Court finds it appropriate to set the schedule now for the briefing of all such motions (and to set interim deadlines for depositions of experts, as requested by Defendants).¹

- Deadline to conduct expert depositions relating to the parties' supplemental expert reports: **May 12, 2023.**
- Deadline for filing of *Daubert* motions concerning opposing parties' supplemental expert reports: **June 2, 2023.**
- Deadline for filing of oppositions to any *Daubert* motions: **June 16, 2023.**
- Deadline for filing of reply briefs for any *Daubert* motions: **June 23, 2023.²**

Second, concurrent with their notice that they intend to file *Daubert* motions concerning

¹ To be clear, Plaintiffs should still notify the Court by May 2, 2023 if they intend to file *Daubert* motions with respect to Defendants' expert reports. *See* Dkt. No. 957 at 1 n.2.

² The Court recognizes that some or all of this briefing may occur before the Supreme Court's decision in *Abitron Austria GmbH v. Hectronic Int'l, Inc.*, Dkt. No. 21-1043. To the extent that additional *Daubert* briefing is needed after that decision, the Court will take up that issue when it arises.

Plaintiffs' supplemental expert reports, Defendants sent those reports to the Court "for the Court's convenience." Dkt. No. 965 at 2. But Defendants also stated, consistent with the Court's understanding, that "[t]he Court is not required to take any judicial action on those reports at this time," and that it expects that the reports will later be submitted with additional redactions in connection with Defendants' forthcoming *Daubert* motions. *Id.* While the Court appreciates Defendants' goal of aiding the convenience of the Court, because the Court need not take any action on these reports at this time and the reports will be submitted later in connection with Defendants' *Daubert* motions, it (a) will strike the reports from the docket at this time and accordingly (b) deny the motion to seal submitted with the reports.

The Clerk of Court is directed to (a) strike Exhibit A and Exhibit B from Dkt. No. 966, (b) strike Exhibit A and Exhibit B from Dkt. No. 967, and (c) terminate the motion pending at Dkt. No. 965.

SO ORDERED.

Dated: April 19, 2023
New York, New York



GREGORY H. WOODS
United States District Judge